IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

DENNIS E. ALSTON,   **:**
           :
    Plaintiff,   **:**
  VS.   **:**
           : **NO. 5:16-CV-533-CAR-MSH**
THOMAS, *et al.*,   **:**
           :
    Defendant.   **:**
_____ **:**

ORDER

Plaintiff Dennis E. Alston has filed a *pro se* Complaint seeking relief pursuant to 42 U.S.C. § 1983. In this Complaint, Plaintiff alleges that on February 7, 2016, prison guards used excessive force against him, causing injury that requires surgery. (Compl. 5, ECF No. 1.) Plaintiff further alleges that prison officials have not provided him with adequate medical treatment regarding those injuries. *Id.* Plaintiff has, however, already initiated another lawsuit alleging constitutional violations with regard to this same incident. *See Alston v. Hill*, No. 5:16-cv-00358-CAR-CHW (M.D. Ga. Aug. 8, 2016). This action therefore brings claims that appear to be closely related to those alleged in Plaintiff's pending lawsuit and appears to involve many of the same parties.

Rule 42(a) of the Federal Rules of Civil Procedure authorizes this Court to consolidate actions that "involve a common question of law or fact."[1] Consolidation of

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[1] "[T]he lack of any Rule 42(a) motion from any party in either of the two cases is no impediment to consolidation if the relevant considerations warrant same." *Chambers v. Cooney*, No. 07-0373-WS-B, 2007 WL 3287364, at *1 (S.D. Ala. Nov. 2, 2007) (citing *Devlin v. Transp. Comm. Int'l Union*, 175 F.3d 121, 130 (2d Cir. 1999) ("A district court

Plaintiff's cases will conserve judicial resources and permit the efficient resolution of

Plaintiff's claims. It is therefore **ORDERED** that this case, 5:16-cv-533-CAR-MSH, be

CONSOLIDATED into *Alston v. Hill*, No. 5:16-cv-00358-CAR-CHW, and that the

present case, 5:16-cv-533-CAR-MSH, be **ADMINISTRATIVELY CLOSED.**

      SO ORDERED, this 13th day of January, 2017.

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S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

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can consolidate related cases under Federal Rule of Civil Procedure 42(a) *sua sponte*.")).